

# **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>MACROSOLVE, INC.,</b>	§	
	§	
<b>v.</b>	§	<b>NO. 6:11cv694 LED-JDL</b>
	§	
<b>UNITED AIR LINES, INC.</b>	§	<b>PATENT CASE</b>
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<b>MACROSOLVE, INC.,</b>	§	
	§	
<b>v.</b>	§	<b>NO. 6:11cv687 LED-JDL</b>
	§	
<b>CONTINENTAL AIRLINES, INC.</b>	§	<b>PATENT CASE</b>

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge (“Report”), which contains his proposed findings of fact and recommendation for the disposition of such action, has been presented for consideration (Doc. No. 42). The Magistrate Judge recommends granting Defendants’ Motions to Dismiss Indirect Infringement Claims (Doc. No. 11, No. 6:11cv687; Doc. No. 14, No. 6:11cv694) and further granted Plaintiff leave to amend its complaint within fourteen days of the date of the Report. Plaintiff has objected to the Report insofar as the deadline for which Plaintiff has leave to amend (Doc. No. 45), although Plaintiff does not object to the Magistrate Judge’s recommendation that the Motions to Dismiss be granted. In addition, on August 17, 2012, the parties notified the Court of a settlement in principle (Doc. No. 46). The Court has granted a stay of all deadlines in the case until September 17, 2012.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. However, should the case not settle, the Court is open to an extension on the deadline to amend Plaintiff's complaint. Accordingly, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

**So ORDERED and SIGNED this 22nd day of August, 2012.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**